

REMARKS

Claims 1-26 have been previously canceled without prejudice to filing a divisional or continuation application. Claims 27 and 32 have been amended to address making transdermal drug delivery systems substantially free of anhydrous scopolamine crystals. The amendment is supported by the specification, for example, in the specification on page 5, lines 14-21. No new matter is added. Claim 29 is amended to change the dependency to claim 27. New claim 33 is added to address a process in which annealing takes place at about 75°C to about 90°C to result in a transdermal system substantially free of anhydrous scopolamine crystals. New claim 34 addresses a process in which the heating and annealing process is done immediately after casting a scopolamine free base containing formulation onto a web or immediately after forming a laminate. New claim 35 addresses a process comprising annealing after packaging in pouch. New claim 36 addresses annealing a laminate that includes nonporous non-scopolamine containing layer. New claim 37 addresses a process comprising removing the nonporous non-scopolamine-containing layer before packaging the transdermal system in pouch. New claim 38 addresses a process comprising two heating and anneal steps, one heating step being immediately after casting the scopolamine free base containing formulation onto a web. Support for these new claims can be found in the specification. No new matter is added. Claims 27-38 are pending.

Interview Summary

The Applicants note with appreciation the courtesy extended to the Applicants' attorney, Philip Yip, in the telephone interview of November 12, 2004. During the interview, the Examiner and Philip Yip discussed the submission of a declaration and the possibility of the amendment of claims.

Objection and Rejection

The Examiner objected to claim 29 as being of improper dependent form. Applicants have amended claim 29 to depend on 27. Withdrawal of the objection is respectfully requested.

The Examiner rejected claim 27-32 as being the same invention as U.S. Patent No. 5662928 (Braun). Applicants are submitting a declaration by Scott A. Bura, who is one of the co-inventors of the present application, to antedate said 5662928 Braun patent. Further, Applicants have amended independent claims 27 and 32 to claim heating and annealing so that anhydrous scopolamine crystals are substantially avoided. Since the declaration removes Braun as a prior art reference, the amendment of claims 27 and 32 is done not related to patentability, but merely to refine the language of the claims. Withdrawal of the rejection is respectfully requested.

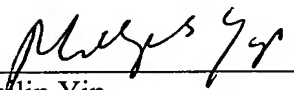
CONCLUSION

Applicants submit the pending claims are novel and nonobvious over prior art and comply with the requirements of 35 USC 112. The examination and passage to allowance of the pending claims are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicant invites the Examiner to contact the undersigned at (650) 564-7054 to clarify any unresolved issues raised by this response.

Applicants hereby authorize the Director to charge Deposit Account 10-0750 in the amount of \$120.00 for a 1 month extension of time, per the attached fee transmittal sheet. If it is determined that underpayment or overpayment has been made, the Director is authorized to debit or credit the said deposit account, respectively.

Respectfully submitted,

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